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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

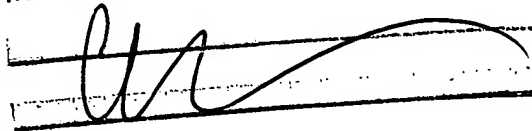
APPLICANT: Robert Babiak  
SERIAL NO.: 10/673,984  
FILED: September 30, 2003  
GROUP ART UNIT: 3763  
EXAMINER: Amy B. Vanatta

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being  
deposited with the United States Postal Service as  
first class mail in an envelope addressed to:  
Commissioner of Patents and Trademarks  
Washington, D.C. 20561, on 6/5/05

Dear Sir:



Applicant hereby petitions the Commissioner of Patents and Trademarks for the revival  
of this Patent Application. I enclose a check for \$250.00 to cover the cost of the small entity fee.  
If any additional fee is required, please charge our Deposit Account No. 501237.

Respectfully Submitted,

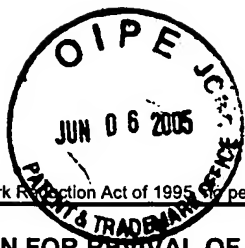


Dated: June 2, 2005

By: \_\_\_\_\_

Arthur M. Peslak, Esq.  
Reg. No. 35,642

**Mandel & Peslak, LLC**  
80 Scenic Drive, Suite 5  
Freehold, NJ 07728  
Tel No. (732) 761-1610  
Fax No. (732) 761-1611

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First Named Inventor: Robert Babiak

Art Unit: 3765

Application Number: 10/673,984

Examiner:

Filed: September 30, 2003

Title: Cushioned Torso Cover

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**

☒ Small entity - fee \$ 250.00 (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

**2. Reply and/or fee**

A The reply and/or fee to the above-noted Office action in the form of  
Response to Notice of (identify the type of reply):

☒ Non-Compliant Amendment  
has been filed previously on November 1, 2004 (Exh. 4)

☐ is enclosed herewith.

B The issue fee of \$ \_\_\_\_\_

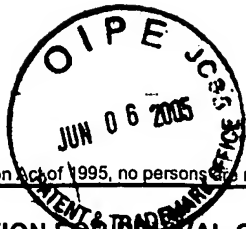
☐ has been filed previously on \_\_\_\_\_

☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/61 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVERSAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Signature

6/3/05

Date

Arthur M. Peslak, Esq.

Typed or printed name

35,642

Registration Number, if applicable

Mandel & Peslak, LLC

80 Scenic Drive, Suite 5

Address

732-761-1610

Telephone Number

Freehold, New Jersey 07728

Address

Enclosure ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

6/3/05

Date

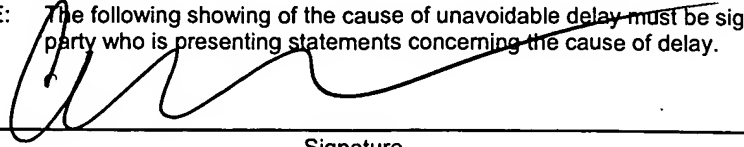
Signature

Arthur M. Peslak

Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

  
\_\_\_\_\_  
Signature

6/3/05  
Date

Arthur M. Peslak, Esq.  
\_\_\_\_\_  
Typed or printed name

35,642  
Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

On July 20, 2004, the undersigned filed a response to the April 20, 2004 Office Action. Exh. 1. In addition, a Power of Attorney appointing the undersigned as Counsel of Record was filed on the same date. Exh. 2.

On October 8, 2004, a Notice of Non-Compliant Amendment was mailed by the Patent and Trademark Office to Kathleen Semet. Exh. 3. Despite the filing of the Power of Attorney, the Notice of Non-Compliant Amendment was never mailed to the undersigned. The undersigned did file a response to the Notice of Non-Compliant Amendment on November 1, 2004. Exh. 4. A Notice of Abandonment was mailed by the Patent and Trademark Office to Kathleen Semet on May 5, 2005. Exh. 5. The Patent and Trademark Office did not mail a copy of the Notice of Abandonment to the undersigned. Upon receipt of the Notice of Abandonment, the undersigned promptly reviewed the file and prepared the present petition.

It is respectfully submitted that the abandonment in this case was unavoidable since the undersigned file the appropriate response to the Notice of Non-Compliant Amendment in a timely manner. As such, the Applicant requests that the petition be granted, the Notice of Abandonment cancelled, and the application be examined in due course.

*(Please attach additional sheets if additional space is needed.)*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Robert Babiak

SERIAL NO.: 10/673,984

FILED: September 30, 2003

GROUP ART UNIT: 3763

EXAMINER: Amy B. Vanatta



Petition for Extension of Time

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20521, on 7/21/04

Dear Sir:

Applicant hereby petitions the Commissioner of Patents and Trademarks to extend the time to respond to the Office Action mailed April 20, 2004 for one month to August 20, 2004. I enclose a check for \$55.00 to cover the cost of a one month extension of time for a small entity.

Dated: July 21, 2004

Respectfully Submitted,

By: 

Arthur M. Peslak, Esq.  
Reg. No. 35,642

Mandel & Peslak, LLC  
80 Scenic Drive, Suite 5  
Freehold, NJ 07728  
Tel No. (732) 761-1610  
Fax No. (732) 761-1611

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

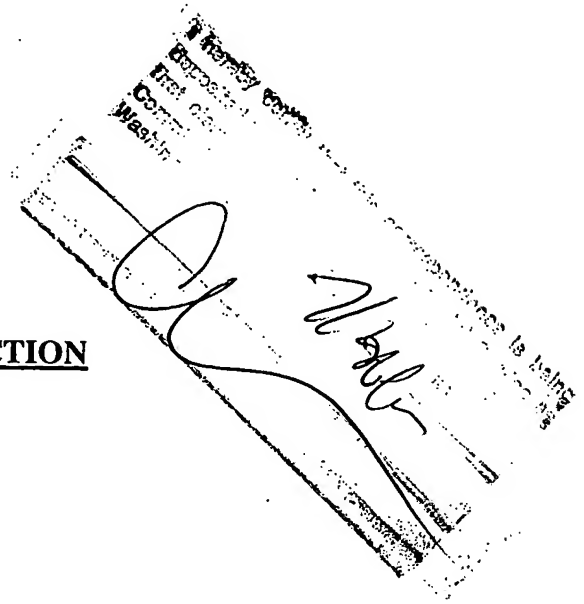
Applicant: Babiak, Robert

Serial No.: 10/673,984

Filed: September 30, 2003

Group and Unit: 3765

Examiner: Amy B. Vanatta



**RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action made on April 20, 2004, Applicant through his undersigned attorney respectfully submits this response. As an initial matter, it is noted that a Power of Attorney signed by the Applicant Robert Babiak granting the undersigned authority to prosecute this application is also being filed herewith.

**Preliminary Responses**

Applicant is submitting a Substitute Specification attached hereto as Exhibit A. Applicant's counsel has rearranged the previously submitted Pro Se specification to confirm with proper practice with minimal typographical changes. No new matter has been added to the Specification by this change. In addition, a revised drawing is being submitted herewith to overcome the objections to the originally submitted drawing.

**In the Claims**

Please delete pending Claim 1 and add the following new Claim 2:

- 2) A cushioned protective torso cover for an adult to wear when caring for an infant comprising:

An outer covering comprising a front, a back, a periphery, shoulder coverings with a closure device adapted for the adult's neck comprising a hood and latch closure and means for securing the torso cover around the adult's waist whereby the front and the back are fabricated together by sewing around the periphery and thereby forming an internal pocket which is filled with a padding material prior to final sewing of the periphery.

**REMARKS**

Claim 1 from the original application has been cancelled and new claim 2 is now pending. A claim copy of New Claim 2 is attached hereto as Exhibit B.

The examiner rejected the initially filed claims under 35 U.S. C. 103(a) in light of Hansen U.S. Patent No. 5, 709,000 and Bolds-Leftridge U.S. Application 2002/0108162

A1. It is respectfully submitted that the structural recitations in the pending Claims patentably distinguishes the cited references. In particular, neither reference includes both a space neck closure and means for securing the torso cover around the adult's waist. Thus, Applicant respectfully request that the pending application be allowed.

Dated: 7/26/04

Respectfully Submitted,

By: 

Arthur M. Peslak  
Registration No. 35642

**Mandel & Peslak, LLC**  
80 Scenic Drive, Suite 5  
Freehold, NJ 07728  
Tel No. (732) 761-1610  
Fax No. (732) 761-1611

## **CUSHION TORSO COVER**

### **BACKGROUND OF THE INVENTION**

The present inventors referred to a Bibbellow is a cushioned torso covering for an adult/parent/babysitter to wear while rocking, burping, feeding, and holding an infant. It is filled / padded and is fastened around the back of the neck, can be tightened around the waist for the right fit, and covers the entire front torso and front/back of shoulders. The entire front of the covering is filled / padded (pillow like qualities) to provide comfort and protection for both the infant and the adult. The infant is protected from zippers, snaps, buttons, jewelry, collar bones, dirty clothing and is comforted by the feel of the padding. The adult wearing this product is further protected from spit up and is more comfortable while holding the infant.

The entire covering is machine washable and dryable. It is made of a choice of fabrics such as 100% cotton, cotton/polyester blend, polyester, polyester derivative, nylon or a variety of other washable and comfortable fabrics. The fill will be either 100% polyester, 100% cotton or a cotton/poly blend. The neck and waist fasteners will have the option of being tied together or closed using VELCRO® or other types of hook and latch fasteners. Future versions may include snaps, buttons or eye hooks. The current size is 30 inches wide at it's widest points and 33 inches long at its longest points and would be considered a large size. Sizes will range from small to x-large to appropriately fit body types.

Being a product made of fabric for wearing, the process of making it is a sewing machine. A sheet(s) of fill is sewn directly in between the two outer sides. The sewing of the filling reinforces it so that it does not migrate (as some blankets do) and leave lumps of fill after washing. The ties and fasteners are reinforced for durability during use and washing.

1. After a patent and product search, no such patent covering a padded torso covering for infant/adult protection was found. The only remotely related products are burp cloths which fall off your shoulder and offer no added comfort or protection for the infant or adult. A number of cloth body type coverings were found during the patent search: Cloth body coverings having



multi-cycle refastenable tape closure systems (U.S. Patent #5,593,750); Bib with securing device for securing about torso (U.S. Patent #6,405,374); Post operative vest with pillow enclosure (U.S. Patent #6,256,790); Disposable garment-protecting cover for use when holding infants (U.S. Patent #6,345,392). But none of the uses or designs of the Bibbellow™ are included in any found.

This application claims priority to provisional Patent application #: 60/408,984

### **SUMMARY OF THE INVENTION:**

The present invention is a cushioned torso covering for an adult/parent/babysitter to wear while rocking, burping, feeding, and holding an infant. It is filled / padded and is fastened around the back of the neck, can be tightened around the waist for the right fit, and covers the entire front torso and front/back of shoulders. The entire front of the covering is filled / padded (pillow like qualities) to provide comfort and protection for both the infant and the adult. The infant is protected from zippers, snaps, buttons, jewelry, collar bones, dirty clothing and is comforted by the feel of the padding. The adult wearing this product is further protected from spit up and is more comfortable while holding the infant.

This invention is a result of there not being any products available that one can use to protect and comfort both an infant while being held and the adult holding the infant. The infant is protected from zippers, snaps, buttons, jewelry, collar bones, dirty clothing and is comforted by the feel of the padding. The adult wearing this product is further protected from spit up and is more comfortable while holding the infant. This product doubles as a comfort item because its pillow like qualities offer a comfortable place for baby to rest. In addition, fabrics prints chosen will offer baby stimulation while awake which promotes development.

### **BRIEF DESCRIPTION OF THE DRAWING:**

The Drawing illustrates a front plan view of the present invention.

## **DETAILED DESCRIPTION OF THE INVENTION:**

The present invention is a cushioned torso covering for an adult/parent/babysitter to wear while rocking, burping, feeding, and holding an infant. It is filled / padded and is fastened around the back of the neck by a hook and latch closure, can be tightened around the waist with ties 3 for the right fit, and covers the entire front torso and front/back of shoulders with flaps 2. The entire front of the covering is filled with padding 5 to provide comfort and protection for the infant. The infant is protected from zippers, snaps, buttons, jewelry, collar bones, dirty clothing and is comforted by the feel of the padding. The adult wearing this product is further protected from spit up and is more comfortable while holding the infant. The fabric prints also stimulate baby while awake.

The entire covering is washable. It is made of a choice of fabrics such as 100% cotton, cotton/polyester blend, polyester, polyester derivative, nylon or a variety of other washable and comfortable fabrics. The fill will be either 100% polyester, 100% cotton or a cotton/poly blend. The neck and waist fasteners will have the option of being tied together or closed using Velcro®. Future versions may include snaps, buttons or eye hooks. The current size is 30 inches wide at it's widest points and 33 inches long at its longest points and would be considered a large size. Sizes will range from small to x-large to appropriately fit body types.

Being a product made of fabric for wearing, the process of making it is a sewing machine. A sheet(s) of fill is sewn directly in between the two outer sides. The sewing of the filling reinforces it so that it does not migrate (as some blankets do) and leave lumps of fill after washing. The ties and fasteners are reinforced for durability during use and washing.

After a patent and product search, no such patent covering a padded torso covering for infant/adult protection was found. The only remotely related products are burp cloths which fall off your shoulder and offer no added comfort or protection for the infant or adult. A number of cloth body type coverings were found during the patent search: Cloth body coverings having multi-cycle refastenable tape closure systems (#5,593,750); Bib with securing device for securing about torso (#6,405,374); Post operative vest with pillow enclosure (#6,256,790); Disposable garment-protecting cover for use when holding infants (#6,345,392). But none of the uses or designs of the Bibbillow™ are included in any found.

#### H. CLAIM OR CLAIMS:

What I claim in my invention is:

1.

- i. A protective covering that stays in place and protects an infant from all objects, including but not limited to zippers, buttons, jewelry, collar bones, and dirty clothing.
- ii. A padded covering that stays in place and offers an infant a comfortable and soothing place to rest while being rocked, walked or any other activity that takes place in ones arms. While awake, the baby is stimulated by the patterns on the fabric.
- iii. A covering that stays in place and is also fully protective for the adult from spit up; and the padding makes the adult comfortable by eliminating discomfort from awkward positions of the baby's head or other baby body part.

### **ABSTRACT OF DISCLOSURE:**

This invention is a cushioned torso covering for an adult/parent/babysitter to wear while rocking, burping, feeding, and holding an infant. It is filled / padded and is fastened around the back of the neck, can be tightened around the waist for the right fit, and covers the entire front torso and front/back of shoulders. The entire front of the covering is filled / padded (pillow like qualities) to provide comfort and protection for both the infant and the adult. The infant is protected from zippers, snaps, buttons, jewelry, collar bones, dirty clothing and is comforted by the feel of the padding. The adult wearing this product is further protected from spit up and is more comfortable while holding the infant.

- 2) A cushioned protective torso cover for an adult to wear when caring for an infant comprising:

An outer covering comprising a front, a back, a periphery, shoulder coverings with a closure device adapted for the adult's neck comprising a hood and latch closure and means for securing the torso cover around the adult's waist whereby the front and the back are fabricated together by sewing around the periphery and thereby forming an internal pocket which is filled with a padding material prior to final sewing of the periphery.

**APPLICATION FOR UNITED STATES LETTERS PATENT  
DECLARATION AND POWER OF ATTORNEY**

As the below named inventor(s), I(we) declare that: my(our) residence, post office address and citizenship is as stated next to my name; I(we) believe that I(we) am(are) the original, first and sole(joint) inventor(s) of the invention which is described and which is claimed in the specification, entitled:

**CUSHIONED TORSO COVER**

the specification of which ☐ is attached hereto  
☒ (X) was filed on 9/30/2003  
as Application Serial No.10/673,984  
with Amendment filed herewith

I(we) hereby state that I(we) have reviewed and understand the contents of said specification, including the claims, as amended by any amendment referred to above.

I(we) acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, CFR 1.56(a).

I(we) claim foreign priority benefits under Title 35, United States Code 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed.<sup>1</sup>

Country	Application Number	Date	Priority Claimed Under 35 USC 119

I(we) hereby claim the benefit under Title 35, United States Code section 120 of any United States application(s) listed below and,

<sup>1</sup>In Non-Convention cases, a listing of all filings and current status of cases filed more than a year before the U.S. filing is required to comply with 37 CFR 1.56(a). Such a listing, if applicable, is attached.

insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, section 112, I(we) acknowledge the duty to disclose material information as defined in Title 37, CFR 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

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(Application Serial No.)	(Filing Date)	(Status-patented, pending etc)
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(Application Serial No.)	(Filing Date)	(Status-patented, pending etc)
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I(we) hereby appoint Arthur M. Peslak, Esq. (Reg. No. 35,642) as my(our) attorney with full power of substitution and revocation to prosecute this application and to transact all necessary business in the U.S. Patent and Trademark Office connected therewith.

Correspondence and Calls to: Arthur M. Peslak, Esq.  
MANDEL & PESLAK, LLC  
80 Scenic Drive, Suite 5  
Freehold, NJ 07728  
732-761-1610

The undersigned declares further that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements and the like so made my jeopardize the validity of the application or any patent issued thereon.

Inventor No. 1:

  
Robert Babiak

Date: 7/19/04

Residence and  
Address:

904 Creamery Court  
Freehold, New Jersey 07728

Citizen of: USA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,984	09/30/2003	Robert Babick		3949

7590  
Kathleen Semet  
403 Osprey Pt. Dr.  
Brielle, NJ 08730

10/08/2004

EXAMINER

VANATTA, AMY B

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

To: Art Peslak 10-2004  
FROM: Kathy Semet  
for my email - shab





UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 7-28-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/propnotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Brenda Webb  
Legal Instruments Examiner (LIE)

(703) 305-7520  
Telephone No.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Babiak, Robert

Serial No.: 10/673,984

Filed: September 30, 2003

Group and Unit: 3765


Examiner: Amy B. Vanatta

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Mail Stop Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being  
deposited with the United States Postal Service as  
first class mail in an envelope addressed to:  
Commissioner for Patents and Trademarks  
Washington, D.C. 20231, on 11/1/04

Sir:

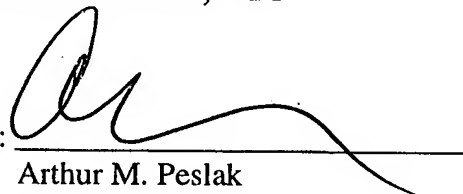


In response to the Notice of Non-Compliant Amendment mailed October 8, 2004,  
applicant hereby submits as Exhibit 1 a listing of claims with proper status identifier.

No fee is required with this submission. If a fee is required, please charge our  
Deposit Account No. 501237. An extra copy of this sheet is included for that purpose.

Dated: November 1, 2004

**Mandel & Peslak, LLC**

By:   
Arthur M. Peslak  
Registration No. 35642

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2) (new) A cushioned protective torso cover for an adult to wear when caring for an infant comprising:

An outer covering comprising a front, a back, a periphery, shoulder coverings with a closure device adapted for the adult's neck comprising a hood and latch closure and means for securing the torso cover around the adult's waist whereby the front and the back are fabricated together by sewing around the periphery and thereby forming an internal pocket which is filled with a padding material prior to final sewing of the periphery.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,984	09/30/2003	Robert Babiak		3949

7590 05/05/2005  
Kathleen Semet  
403 Osprey Pt. Dr.  
Brielle, NJ 08730

EXAMINER

VANATTA, AMY B

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Abandonment**

Application No.

10/673,984

Examiner

Amy B. Vanatta

Applicant(s)

SEMET

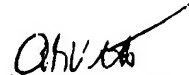
Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 08 October 2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.  
(c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

  
Amy B. Vanatta  
Primary Examiner  
Art Unit: 3765

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.